JOE DONNELLY
2ND DISTRICT, INDIANA

COMMITTEES:
FINANCIAL SERVICES
VETERANS' AFFAIRS

Congress of the United States

House of Representatives Washington, DC 20515

August 6, 2009

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Mr. Bharat Mathur Acting Regional Administrator U.S. Environmental Protection Agency 77 West Jackson Boulevard Chicago, IL 60604-3511

Dear Mr. Mathur,

I'm writing in regard to the situation at VIM Recycling, Inc., in Elkhart, Indiana. VIM has been the source of a number of problems over the past few years, many of which have been covered in local media. In addition, concerned local citizens as well as Indiana State Representative Craig Fry have communicated their complaints to my office. Most recently, VIM Recycling received a Notice of Violation from the Chicago Region 5 office of the Environmental Protection Agency because of its open wood burning operation.

Due to the negative reports, the violation of the Clean Air Act and the presence of the EPA, two members of my staff visited VIM Recycling on July 30, 2009 and toured the area with the EPA's Paul Ruesch and the Indiana Department of Environmental Management's Rick Roudebush. Even though parts of the area still smell and a large pile of wood and dirt is still smoking, it appears as though significant progress has been made.

The families of Baugo Township in Elkhart County want nothing more than to live healthy lives and breathe clean air. With a pattern of complaints and proven misbehavior, I believe this business needs to be cleaned up as soon as possible so residents can live in peace and VIM Recycling's employees can work under professional and safe guidelines. It is my understanding that the "C Pile" on site will be entirely fixed by November or December of 2009.

Enclosed you will find letters from Baugo Township Fire Chief Tim Graves, Elkhart County Emergency Management Director Jennifer Tobey and Elkhart County Commissioner Terry Rodino. They have informed my office that the situation at VIM Recycling will be resolved for the betterment of the community. My staff has also been in contact with the EPA and the IDEM so they can revisit the site on an ongoing basis and continue communication with residents.

Thank you for allowing me to relay my concerns on behalf of the residents of Elkhart County. If I can be of any assistance, please do not hesitate to contact my staff.

Sincerely,

Joe Donnelly

Member of Congress

CC: Terry Rodino, President, Elkhart County Board of Commissioners

Mike Yoder, Elkhart County Commissioner

Frank Lucchese, Elkhart County Commissioner

Craig R. Fry, Indiana State Representative, House District 5

Tim Graves, Baugo Township Fire Chief

Jennifer Tobey, Director, Elkhart County Emergency Management

Kenneth Will, owner, VIM Recycling, Inc.

Paul Ruesch, EPA Environmental Engineer

Rick Roudebush, Technical Environmental Specialist, Indiana Department of

Environmental Management

Elkhart Country

COMMISSIONERS

August 4, 2009

Congressman Joe Donnelly
House of Representatives
1218 Longworth House Office Building
Washington, DC 20515

Dear Congressman Donnelly:

We suspect you and your staff are quite familiar with the situation surrounding a company called VIM in Elkhart County. While there are individuals that have been critical of actions taken by the IDEM and the USEPA regarding the VIM situation, we feel compelled to share with you our support of actions taken to date by IDEM and the USEPA. Representatives of these agencies have kept us apprised of their expectations and we have found their representatives helpful and cooperative in establishing time lines for bringing VIM into compliance with orders that have been issued.

Our support of actions taken by IDEM and the USEPA is based on what we believe to be a common objective that is shared by us and these regulatory agencies. That common objective is to remove material from the VIM site that is the subject of enforcement action. While others might advocate a process that constantly criticizes regulatory agencies, our goal is to work with VIM, IDEM and the USEPA to ensure the material subject to enforcement action is removed from the VIM site.

As representatives of local government, there are times we do not agree with actions taken by regulatory agencies. That is probably human nature at work. In this case, however, IDEM and the USEPA have established a plan, through compliance orders, that are based on facts. Opponents, on the other hand, seem to spend time making accusations, yet when pressed, cannot provide facts or data in support of their accusations, and in some cases, have been proven to be false. This approach to problem solving seldom leads to beneficial conclusions.

We appreciate the opportunity to express our views regarding the VIM matter. Our mission is to continue working with regulatory agencies to achieve compliance at the VIM site.

Sincerely.

Terry J. Rodino, President

Board of County Commissioners

Jen Tobey, Director

Elkhart County Emergency Management

cc: Hodge Patel

Mike Yoder, County Commissioner Frank Lucchese, County Commissioner



Baugo Township Fire Department

57955 County Road 3 Elkhart, Indiana 46517 Phone 574-293-0780 Pax 574-522-0801

August 2, 2009

To: Congressman Joe Donnelley

Re: VIM Recycling

Dear Congressman,

This letter is to inform you that we have been following up regularly with VIM Recycling from the fire that took a life.

I have been in contact with owner Ken Will on a regular basis meeting at VIM to make recommendations for improvements for fire prevention and safety. Changes have been slow but in the last few months improvements are being made. My last visit was with the owner Ken Will, the Environmental Protection Agency, Indiana Department of Emergency Management and myself.

The E.P.A. is currently monitoring the VIM site on Old U.S. 33 while the removal of the "C" pile is taking place. At this meeting it was determined that VIM has made progress with cleaning up the site. We have also worked on a contingency plan to prevent spot fires while the cleanup is in progress.

I personally will continue to keep in contact and monitor the site to see to it that VIM is continuing their clean up of the site as promised.

If you have any other questions or concerns please feel free to contact me at your earliest convenience at the following numbers Monday thru Friday from 8-5 Baugo Fire Department (574) 293-0780 and any other time on my cell phone at (574) 320-1632.

Sincerely,

Tim Graves

Baugo Fire Chief

Cc: Faxed 8/3/09